

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Confirmation No.: 3814

Craig Mowry

Date: January 19, 2009

Serial No.: 09/808,538

Group Art Unit: 3622

Filed: March 14, 2001

Examiner: Arthur D. Duran

For: A METHOD AND SYSTEM FOR COMPILING A CONSUMER-BASED
ELECTRONIC DATABASE, SEARCHABLE ACCORDING TO INDIVIDUAL
INTERNET USER-DEFINED MICRO-DEMOGRAPHICS

VIA EFS-WEB
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUBMISSION IN ACCORDANCE WITH M.P.E.P. §713.04

Sir:

In accordance with M.P.E.P. §713.04, applicant submits the following in connection with a telephonic interview initiated by the Examiner between applicant's attorneys and the Examiner on October 7, 2008:

(A) Brief Description of Exhibit or Demonstration

None.

(B) Identification of Claims

Claim 85

(C) Identification of Prior Art

U.S. Patent Application Publication No. US 2001/0013009 to Greening,

U.S. Patent Application Publication No. US 2002/0059379 to Harvey, and

U.S. Patent No. 6,105,001 to Masi.

(D) Identification of Proposed Substantive Amendments

None.

(E) Brief Identification of Principal Arguments

None.

(F) Indication of Pertinent Matters

The Examiner and the undersigned spoke on the telephone about 35 U.S.C. §112 in connection with the Examiner's request for cited passages in the specification supporting claims language recited in amended claim 85, pending at the time of the telephone conversation.

The undersigned wishes to clarify herein a non-limiting example offered to the Examiner during the course of the interview and identified in Form PTOL-413, Interview Summary Form, mailed to applicant by the Examiner.

The example offered by the undersigned during the interview regarded two demographic groups differentiated by age (under 21 years old and over 21 years old). Alternative examples were also offered, such as differentiating the first and second demographic groups by ethnicity, religion or gender. The example included a "first search" that included Coca-Cola, and "first search results" related to Coca-Cola from the first demographic group. In the example, a "second search" was further performed using "second search criteria" that related partially Coca-Cola (the first search criteria) and partially to something else other than Coca-Cola. The "second search" provided "second search results" from the second demographic. The undersigned offered example second search results such as ties, clothing, automobiles or other things that would otherwise be unrelated to Coca-Cola.

Respectfully, the Examiner states that, in the undersigned's example, both the "first search" and the "second search" were for "Coca-Cola," which is inaccurate. A feature of applicant's then pending claim 85 required the second search to relate "partially to the first search" and "partially not to the first search." Accordingly, the second search was for something related to "Coca-Cola," but not "Coca-Cola," *per se*.

(G) Outcome of the Interview

Pending.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING SYSTEM
ON January 19, 2009.

Respectfully submitted,



Joel J. Felber
Registration No.: 59,642
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

DAM:JJF:ck:jl